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8 Attorneys for Plaintiff
 9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ANTHONY DAVID FLORES,
 aka "Anton David," and
 16 ANNA RENE MOORE,

17 Defendants.

No. 2:22-CR-00593-PA-2

STIPULATION AND JOINT REQUEST FOR
A PROTECTIVE ORDER REGARDING
DISCOVERY CONTAINING PERSONAL
IDENTIFYING INFORMATION, MEDICAL
INFORMATION, AND PRIVACY ACT
INFORMATION

[PROPOSED ORDER FILED SEPARATELY]

18
 19 Plaintiff, United States of America, by and through its counsel
 20 of record, the United States Attorney for the Central District of
 21 California and Assistant United States Attorney Andrew M. Roach, and
 22 defendant Anna Rene Moore ("defendant"), by and through her counsel
 23 of record, Deputy Federal Public Defender Charles J. Snyder
 24 (collectively, the "parties"), for the reasons set forth below,
 25 request that the Court enter the proposed protective order (the
 26 "Protective Order") governing the use and dissemination of
 27 (1) personal identifying information ("PII") of real persons
 28 pursuant to Federal Rule of Criminal Procedure Rule 16(d)(1),

1 (2) medical or health information, and (3) material that may contain
2 information within the scope of the Privacy Act.

3 Introduction and Grounds for Protective Order

4 1. Defendant Anna Rene Moore is charged in this matter with
5 violations of 18 U.S.C. § 1349 (Conspiracy to Commit Wire Fraud and
6 Mail Fraud); 18 U.S.C. § 1343 (Wire Fraud); 18 U.S.C. § 1341 (Mail
7 Fraud); 18 U.S.C. § 1028A (Aggravated Identity Theft); 18 U.S.C.
8 § 1956(h) (Conspiracy to Engage in Money Laundering); 18 U.S.C.
9 § 1956(a)(1)(B)(i) (Laundering of Monetary Instruments); 18 U.S.C.
10 § 1957(a) (Engaging in Monetary Transactions in Property Derived
11 from Specified Unlawful Activity); and 18 U.S.C. § 2(b) (Causing an
12 Act to Be Done). Defendant is currently detained pending trial.

13 2. A protective order is necessary because the government
14 intends to produce to the defense materials containing third
15 parties' PII and medical information. The government believes that
16 disclosure of this information without limitation risks the privacy
17 and security of the information's legitimate owners. The medical
18 information at issue may also be subject to various federal laws
19 protecting the privacy of medical records, including provisions of
20 the Privacy Act, 5 U.S.C. § 552a; provisions of 45 C.F.R.
21 §§ 164.102-164.534; and/or provisions of 42 U.S.C. § 1306. Because
22 the government has an ongoing obligation to protect third parties'
23 PII and medical information, the government cannot produce to
24 defendant an unredacted set of discovery containing this information
25 without the Court entering the Protective Order. Moreover, PII and
26 medical information make up a significant part of the discovery in
27 this case and such information itself, in many instances, has
28 evidentiary value. If the government were to attempt to redact all

1 this information in strict compliance with Federal Rule of Criminal
2 Procedure 49.1, the Central District of California's Local Rules
3 regarding redaction, and the Privacy Policy of the United States
4 Judicial Conference, the defense would receive a set of discovery
5 that would be highly confusing and difficult to understand, and it
6 would be challenging for defense counsel to adequately evaluate the
7 case, provide advice to defendant, or prepare for trial.

8 3. An order is also necessary because the government intends
9 to produce to the defense materials that may contain information
10 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act
11 Information"). To the extent that these materials contain Privacy
12 Act Information, an order is necessary to authorize disclosure
13 pursuant to 5 U.S.C. § 552a(b)(11).

14 4. The purpose of the Protective Order is to (a) allow the
15 government to comply with its discovery obligations while protecting
16 this sensitive information from unauthorized dissemination, and
17 (b) provide the defense with sufficient information to adequately
18 represent defendant.

19 Definitions

20 5. The parties agree to the following definitions:

21 a. "PII Materials" includes any information that can be
22 used to identify a person, including a name, address, date of birth,
23 Social Security number, driver's license number, telephone number,
24 account number, email address, or personal identification number.

25 b. "Medical Materials" includes any individually
26 identifiable health information that is connected to a patient's
27 name, address, or other identifying number, such as a Social
28 Security number or Medicare/Medi-Cal number.

1 c. "Confidential Information" refers to any document or
2 information containing PII Materials or Medical Materials that the
3 government produces to the defense pursuant to this Protective Order
4 and any copies thereof.

5 d. "Defense Team" includes (1) defendant's counsel of
6 record ("defense counsel"); (2) other attorneys at defense counsel's
7 law firm who may be consulted regarding case strategy in this case;
8 (3) defense investigators who are assisting defense counsel with
9 this case; (4) retained experts or potential experts; and
10 (5) paralegals, legal assistants, and other support staff to defense
11 counsel who are providing assistance on this case. The Defense Team
12 does not include defendant, defendant's family members, or any other
13 associates of defendant.

14 Terms of the Protective Order

15 6. The parties jointly request the Court enter the Protective
16 Order, which will permit the government to produce Confidential
17 Information in a manner that preserves the privacy and security of
18 third parties. The parties agree that the following conditions in
19 the Protective Order will serve these interests:

20 a. The government is authorized to provide defense
21 counsel with Confidential Information marked with the following
22 legend: "CONFIDENTIAL INFORMATION -- SUBJECT TO PROTECTIVE ORDER."
23 The government may put that legend on the digital medium (such as
24 DVD or hard drive) or simply label a digital folder on the digital
25 medium to cover the content of that digital folder. The government
26 may also redact any PII contained in the production of Confidential
27 Information.

1 b. If defendant objects to a designation that material
2 contains Confidential Information, the parties shall meet and
3 confer. If the parties cannot reach an agreement regarding
4 defendant's objection, defendant may apply to the Court to have the
5 designation removed.

6 c. Defendant and the Defense Team agree to use the
7 Confidential Information solely to prepare for any pretrial motions,
8 plea negotiations, trial, and sentencing hearing in this case, as
9 well as any appellate and post-conviction proceedings related to
10 this case.

11 d. The Defense Team shall not permit anyone other than
12 the Defense Team to have possession of Confidential Information,
13 including defendant, while outside the presence of the Defense Team.

14 e. At no time, under no circumstance, will any
15 Confidential Information be left in the possession, custody, or
16 control of defendant, regardless of defendant's custody status.

17 f. Defendant may review PII Materials and Medical
18 Materials only in the presence of a member of the Defense Team, who
19 shall ensure that defendant is never left alone with any PII
20 Materials or Medical Materials. At the conclusion of any meeting
21 with defendant at which defendant is permitted to view PII Materials
22 or Medical Materials, defendant must return any PII Materials or
23 Medical Materials to the Defense Team, and the member of the Defense
24 Team present shall take all such materials with him or her.
25 Defendant may not take any PII Materials or Medical Materials out of
26 the room in which defendant is meeting with the Defense Team.

27 g. Defendant may see and review Confidential Information
28 as permitted by this Protective Order, but defendant may not copy,

1 keep, maintain, or otherwise possess any Confidential Information in
2 this case at any time. Defendant also may not write down or
3 memorialize any data or information contained in the Confidential
4 Information.

5 h. The Defense Team may review Confidential Information
6 with a witness or potential witness in this case, including
7 defendant. A member of the Defense Team must be present if PII
8 Materials or Medical Materials are being shown to a witness or
9 potential witness. Before being shown any portion of Confidential
10 Information, however, any witness or potential witness must be
11 informed of, and agree in writing to be bound by, the requirements
12 of the Protective Order. No member of the Defense Team shall permit
13 a witness or potential witness to retain Confidential Information or
14 any notes generated from Confidential Information.

15 i. The Defense Team shall maintain Confidential
16 Information safely and securely, and shall exercise reasonable care
17 in ensuring the confidentiality of those materials by (1) not
18 permitting anyone other than members of the Defense Team, defendant,
19 witnesses, and potential witnesses, as restricted above, to see
20 Confidential Information; (2) not divulging to anyone other than
21 members of the Defense Team, defendant, witnesses, and potential
22 witnesses, the contents of Confidential Information; and (3) not
23 permitting Confidential Information to be outside the Defense Team's
24 offices, homes, vehicles, or personal presence.

25 j. To the extent that defendant, the Defense Team,
26 witnesses, or potential witnesses create notes that contain, in
27 whole or in part, Confidential Information, or to the extent that
28 copies are made for authorized use by members of the Defense Team,

1 such notes, copies, or reproductions become Confidential Information
2 subject to the Protective Order and must be handled in accordance
3 with the terms of the Protective Order.

4 k. The Defense Team shall use Confidential Information
5 only for the litigation of this matter and for no other purpose.
6 Litigation of this matter includes any appeal filed by defendant and
7 any motion filed by defendant pursuant to 28 U.S.C. § 2255. In the
8 event that a party needs to file Confidential Information with the
9 Court or divulge the contents of Confidential Information in court
10 filings, the filing should be made under seal. If the Court rejects
11 the request to file such information under seal, the party seeking
12 to file such information publicly shall provide advance written
13 notice to the other party to afford such party an opportunity to
14 object or otherwise respond to such intention. If the other party
15 does not object to the proposed filing, the party seeking to file
16 such information shall redact any PII Materials or Medical Materials
17 and make all reasonable attempts to limit the divulging of PII
18 Materials or Medical Materials.

19 l. The parties agree that any Confidential Information
20 inadvertently produced in the course of discovery prior to entry of
21 the Protective Order shall be subject to the terms of the Protective
22 Order. If Confidential Information was inadvertently produced prior
23 to entry of the Protective Order without being marked "CONFIDENTIAL
24 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government
25 shall reproduce the material with the correct designation and notify
26 defense counsel of the error. The Defense Team shall take immediate
27 steps to destroy the unmarked material, including any copies.
28

1 m. Confidential Information shall not be used by the
2 defendant or Defense Team, in any way, in any other matter, absent
3 an order by this Court. All materials designated subject to the
4 Protective Order maintained in the Defense Team's files shall remain
5 subject to the Protective Order unless and until such order is
6 modified by this Court. Upon request by the government, defense
7 counsel shall return all PII Materials or Medical Materials, certify
8 that such materials have been destroyed, or certify that such
9 materials are being kept pursuant to the California Business and
10 Professions Code and the California Rules of Professional Conduct.

11 n. In the event that there is a substitution of counsel
12 prior to when such documents must be returned, new defense counsel
13 must be informed of, and agree in writing to be bound by, the
14 requirements of the Protective Order before the undersigned defense
15 counsel transfers any Confidential Information to the new defense
16 counsel. New defense counsel's written agreement to be bound by the
17 terms of the Protective Order must be returned to the Assistant U.S.
18 Attorney assigned to the case. New defense counsel then will become
19 the Defense Team's custodian of materials designated subject to the
20 Protective Order and shall then become responsible, upon the
21 conclusion of appellate and post-conviction proceedings, for
22 returning to the government, certifying the destruction of, or
23 retaining pursuant to the California Business and Professions Code
24 and the California Rules of Professional Conduct all PII Materials
25 or Medical Materials.

26 o. Defense counsel agrees to advise defendant and all
27 members of the Defense Team of their obligations under the
28 Protective Order and ensure their agreement to follow the Protective

Order, prior to providing defendant and members of the Defense Team with access to any materials subject to the Protective Order.

p. Defense Counsel has conferred with defendant regarding this stipulation and the proposed order thereon, and defendant agrees to the terms of the proposed order.

q. Accordingly, the parties have agreed to request that the Court enter a protective order in the form submitted herewith.

IT IS SO STIPULATED.

Dated: March 1, 2023

Respectfully submitted,

E. MARTIN ESTRADA
United States Attorney

ANNAMARTINE SALICK
Assistant United States Attorney
Chief, National Security Division

/s/ Andrew M. Roach
ANDREW M. ROACH
Assistant United States Attorney

Attorneys for Applicant
UNITED STATES OF AMERICA

DATED: March 1, 2023

/s/ with email authorization
CHARLES J. SNYDER
Deputy Federal Public Defender

Attorney for Defendant
ANNA RENE MOORE